

ORDINANCE 89-20

RECEIVED
COUNTY CLERK
MAY 11 1989

AN ORDINANCE RELATING TO ON-SITE SEWAGE DISPOSAL SYSTEMS; CREATING THE ON-SITE SEWAGE DISPOSAL SYSTEM CODE; PROVIDING PURPOSE, PROVIDING DEFINITIONS; PROVIDING FOR APPLICATION OF CODE; PROVIDING FOR A PERMIT; PROVIDING FOR INCORPORATION OF STATE REQUIREMENTS; PROVIDING FOR DISPOSAL FACILITIES AND METHODS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR APPLICATION SITE PERMIT AND REQUIREMENTS; PROVIDING FOR REVOCATION AND A PROCEDURE; PROVIDING FOR KEEPING OF RECORDS; PROVIDING PENALTY; PROVIDING SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

SECTION 1. SHORT TITLE. This Ordinance shall be known as the Hernando County On-Site Sewage Disposal Systems Ordinance

SECTION 2. GENERAL.

The provisions of this Ordinance are to regulate on-site sewage disposal by providing for contractor's permits, establishing guidelines for disposal facilities and methods, and providing for strict enforcement.

SECTION 3. PURPOSE.

- A. To provide a mechanism to promote a more efficient method of regulating septage and sludge collection and disposal.
- B. To protect against the creation of a public nuisance through improper handling and disposal of sludge, domestic septage, food service sludge, chemical/portable toilet waste and industrial non-toxic sludge.
- C. To insure County control over the sludge and septage land application areas.
- D. To insure that proper pre-treatment of septage is occurring prior to its disposal, thereby protecting the land, water and environment in general.

SECTION 4. APPLICATION OF ORDINANCE.

This Ordinance shall apply to the maintaining, hauling, storage, and disposal of domestic septage, domestic sludge, food service sludge from on-site sewage disposal systems, chemical toilet waste and non-toxic industrial sludges.

SECTION 5. DEFINITIONS.

The definitions contained in this Section shall have the meanings set forth below whenever they appear in this code. In addition, all definitions in Subsections 17-7, 17-640, and 10D-6 Florida Administrative Code, are incorporated into and made a part of this code except where amended herein.

- A. Agricultural Lands - All lands zoned for agricultural purposes.
- B. Disinfection - The selective destruction of pathogens in wastewater effluent or sludge as described in Chapter 7, of EPA 625/6-84-009, "Septage Treatment and Disposal". This manual is adopted and made a part of this Ordinance by reference.
- C. Domestic Septage - All solid or liquid wastes containing human feces, or residual of such, which have not been stabilized or disinfected. Not included are food service sludges, industrial sludges, and wastewater treatment plant sludges.
- D. Domestic Sludge - A solid or liquid waste resulting from a wastewater treatment plant, sewage, septage, or food service operation, or any other such waste having similar characteristics. Domestic sludge may be liquid, semi-solid, or solid, but does not include the treated effluent from a wastewater treatment plant.
- E. Food Service Sludge - Oils, greases, and grease trap pumpings generated by a food service operation.
- F. Industrial Sludge - Sludges that are primarily composed

of materials generated through a manufacturing or other industrial process and which do not contain toxic substances.

- G. Licensed Septage Hauling Service - A person, firm or corporation, or any other entity licensed by the Department of Health and Rehabilitative Services, Hernando County Public Health Unit, to haul domestic septage, food service sludge, industrial sludge, or chemical toilet waste.
- H. Lime Stabilization - The addition of sufficient quantities of lime to raise and maintain a sludge at or above a pH of 12.0 for two (2) hours with such process being as described in Chapter 7 EPA 625/6-84-009, "Septage Treatment and Disposal".
- I. Sludge Generator - Any facility that, as a normal function of its operation, produces a sludge. Residential septic tanks are excluded.
- J. Portable Toilet Waste - A waste resulting from chemical toilets, privy holding tanks, or other equipment designed for temporary collection and storage of wastes containing human feces or residuals of such, or any other such waste having similar characteristics. This waste may be liquid, semi-solid, or solid.
- K. Permitted Septage/Sludge Hauling Service - A person, firm or corporation, or any other entity holding a valid permit issued by Hernando County to haul domestic septage, food service sludge, industrial sludge, wastewater treatment plant sludge or chemical toilet waste.
- L. Sludge Pasteurization - The heating of a sludge to 70 C for at least thirty (30) minutes, or heating of sludge to a temperature higher or lower than 70 C for a duration that produces a similar kill of microorganisms.

- M. Stabilization - The use of a treatment process to render sludge or septage less odorous and putrescible, and to reduce the pathogenic content as described in Chapter 6 of EPA 625/1-79-011. "Process Design Manual for Sludge Treatment and Disposal".
- N. Toxic Substances - Any of the following:
1. Hazardous wastes as defined in Chapter 17-30, F.A.C.
 2. A pollutant as defined in Chapter 376, Florida Statutes.
 3. A substance which is or is suspected to be carcinogenic, mutagenic, teratogenic, or toxic to human beings, or to be acutely toxic as defined in Rule 17-3.021(1), F.A.C.
 4. A substance which poses a serious danger to the public health, safety, or welfare.
- O. Treatment - The process of altering the character, or physical or chemical condition of the waste to prevent pollution of water, air, or soil, to safeguard the public health, or enable the waste to be recycled.

SECTION 6. LICENSE/PERMIT REQUIRED.

- A. No septic tank, grease trap, privy, portable toilet, holding tank or other on-site waste disposal facility shall be cleaned or have its contents removed by a septage hauling service engaged in a septage disposal service until such service has obtained a competency license from the Department of HRS, Hernando County Public Health Unit. This does not include the removal of wastewater treatment plant sludge.
- B. In addition, no person shall engage in the business of transporting or disposing of domestic septage, food service sludge, portable toilet waste, or industrial non-toxic sludge or wastewater treatment plant sludge within

Hernando County without first obtaining a County permit. Approval for a permit shall be contingent upon the following:

1. Evidence that the applicant possesses adequate equipment such as a tank truck, pumps, appurtenances and tools for the work intended. Equipment shall be inspected and approved by the County Public Health Unit.
2. The permanent location and address of the business where operations will originate and where equipment is to be stored when it is not in use.
3. The proposed disposal method and the site to be used for disposing of on-site sewage disposal system septage and wastewater treatment plant sludges. The proposed disposal method and the site to be used shall be inspected and approved by the Hernando County Public Health Unit.
4. Proof that the twelve (12) hours Florida Department of Health and Rehabilitative Services educational course has been successfully completed by septage hauler.
5. Proof that the applicant has been actively engaged as a licensed septage hauler operator or under the supervision of a licensed operator in the State of Florida for at least two of the last five years.
6. Proof of a valid Hernando County Occupational License, if required.
7. Proof of a bond in the amount of \$25,000, with the bond payable to the Hernando County Board of County Commissioners for the purpose of correcting any environmental damage or public health threat by the license holder. This does not apply to any Government agencies in Hernando County.

8. That the applicant agrees to abide by the code and any other state or federal code applicable to the activity for which the permit is sought.
- C. When a permit is issued, the number of said permit along with the name of the company, its address, phone number, and the gallon capacity of the truck shall be prominently displayed on the service truck with three (3) inch or larger letters.
- D. Permit shall not be transferable.
- E. A septage disposal service permit may be suspended or revoked by the Hernando County Code Enforcement Board where the permit holder has violated this code or has violated either state or federal regulations or statutes governing activity engaged in by the permit holder.
- F. Each permit issued will be for a one (1) year period (January 1 to December 31). Each year during December each current permit holder so desiring will be required to renewal of his/her permit for the following year. In the thirty (30) days prior to renewal the permittee shall ensure that the Hernando County Health Unit inspects the permittee's equipment for compliance with all applicable health regulations. All discrepancies must be corrected prior to the renewal.
- G. Prior to an initial permit becoming effective, the applicant shall ensure that the Hernando County Public Health Unit inspects the permittee's equipment for compliance with all applicable health regulations, non-complying equipment will not be used until compliance is achieved.
- H. Whenever a permit holder/permit applicant is denied an initial permit, or permit renewal, he/she may appeal to the Hernando County Environmental Health Board. This appeal must be filed with the Hernando County Public

Health Unit within thirty (30) days of the disapproval of the application.

SECTION 7. STATE REQUIREMENTS.

In addition to the requirements set out in this code, the holder of a competency license shall be subject to the regulations set out in Rules 17-7, 17-640 and 10D-6, Florida Administrative Code, all of which are incorporated herein as if fully set out herein.

SECTION 8. DISPOSAL FACILITIES AND METHODS.

- A. After septage is removed from an on-site waste disposal system, the original lid of the tank shall be put back in place, or be replaced with a new lid if the original lid is broken. The tank lid shall be completely sealed and the ground back-filled, compacted and disinfected so that the site is left in a nuisance-free condition.
- B. Septage and sludge shall be transported to the disposal site in such a manner so as to preclude leakage, spillage or the creation of a sanitary nuisance. In the event a nuisance injurious to health or causing environmental damage is created, the permit holder is responsible for and must disinfect the contaminated area and immediately notify the County Health Unit.
- C. Disposal sites and vehicles for Septage and Sludge Classes I and II shall be inspected and approved by the Hernando County Public Health Unit and shall comply with Part IV of Chapter 17-7 F.A.C.
- D. All operators or haulers are to maintain a collection and hauling record that is open for inspection and provides the following information as to each hauling operation:
 - 1. Date and time of collection;
 - 2. name of facility;
 - 3. owner of facility;

4. description of material collected;
5. estimated amount of material collected; and
6. time arrived at land application area.

SECTION 9. LAND APPLICATION.

Land application is permitted under the following conditions:

- A. The sludge and contents from on-site waste disposal systems shall be disposed of at a site approved by the Hernando County Public Health Unit. Sludge or septage stored on site shall not create a violation of Chapter 386, Florida Statutes. The approval of the site will be based on requirements of Part IV of Chapter 17-7, F.A.C. and criteria listed at Section 11.
- B. Untreated domestic septage, portable toilet waste, or food service sludge shall not be applied to the land. A pre-treatment facility capable of providing for stabilization must be provided. EPA Handbook 625/6-84-009, "Septage Treatment and Disposal" shall be utilized for construction of any permanent treatment facility. Criteria for land application or disposal of domestic septage is provided in Part IV of Chapter 17-7, F.A.C.
- C. Hernando County shall require inspection of domestic septage and portable toilet waste. If the operator or hauler is using lime stabilization, he or she must call the Hernando County Health Department when the lime is applied and wait for two (2) hours before land spreading. The operator shall have necessary pH testing equipment.
- D. The County may observe and test at the disposal site to ascertain that the pH is being maintained and the material is being disposed of properly. Records for chemical toilets shall be maintained and shall show a daily estimated total volume. Operators permitted in Hernando County shall be the sole users of the sites described herein.

- E. A permitted operator transporting, pumping and handling septage and sludges shall be governed by the following:
1. Collection trucks for residential and commercial purposes shall have a minimum capacity of Twelve hundred (1200) gallons.
 2. Portable toilet equipment must conform with Rule 10D-6, F.A.C.
 3. There must be an adequate storage site for the operation.
 4. Deflection devices must be provided to assure proper distribution when land spreading.

SECTION 10. APPLICATION SITE APPROVAL.

Each sludge and septage application site shall be approved by the Hernando County Public Health Unit, prior to its use. The Hernando County Public Health Unit will review the suitability of each site using the criteria in Section 11, this Ordinance and Part IV of Chapter 17-7, F.A.C. The Hernando County Public Health Unit will advise the Hernando County Administrator when a request for approval of a specific application site has been received by the Public Health Unit. The Administrator will provide the Public Health Unit with data on the zoning classification of the site, size of the site, and access routes to the site. The Hernando County Public Health Unit must receive an application for a septage disposal site permit for currently in-use disposal sites by May 1, 1990. If an application is not received, the site will not be an approved septage disposal site as of May 2, 1990 and subject to the penalties outlined in Section 15. Whenever a permit application is disapproved, the applicant may appeal to the Hernando County Environmental Health Board. This appeal must be filed with the Hernando County Public Health Unit within thirty (30) days of the disapproval of the application.

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SECTION 11. APPLICATION SITE REQUIREMENTS.

- A. Each site applicant must restrict access to all but the owner, his representative, and permitted haulers.
- B. A minimum of one hundred (100) foot buffer zone will be maintained from the property lines of all adjoining property owners.
- C. Each site must be a minimum of ten (10) acres.
- D. At access points and every hundred yards along the perimeter signs shall be posted conspicuously indicating that the land is used for septage/sludge disposal.
- E. Only a permitted operator may operate a private (non-governmental) facility to treat domestic septage, food service sludge, portable toilet waste, or industrial non-toxic sludge. The privately owned and operated facility shall contain adequate equipment for treatment and disposal of septage/sludge as set forth in Chapter 17-7, F.A.C.
- F. The Hernando County Public Health Unit, shall determine the number of operators or haulers permitted on a specific disposal land site and the amount of septage/sludge that may be applied.
- G. The Hernando County Public Health Unit, shall perform random inspections to ascertain whether or not proper treatment and disposal of the sludge or septage has occurred and to verify that the requirements of this Ordinance have been met.

SECTION 12. ENFORCEMENT.

The Hernando County Public Health Unit shall be charged with enforcing the provisions of this Ordinance.

SECTION 13. RECORDS.

The records required to be kept and maintained by the permitted

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operator pursuant to this ordinance shall be kept at the operator's principal place of business in Hernando County and shall be subject to inspection. Failure to keep and maintain such records shall be grounds for revocation of the permit authorized by this Ordinance. A summary of this record will be sent to the Hernando County Public Health Unit by the 15th day of each month, concerning the previous month's activity. This report will include totals of each type of material collected and type and total material disposed of at each disposal site used. All operators or haulers are to maintain a collection and hauling record that is open for inspection which provides the following information as to each hauling operation:

- A. Date and time of collection;
- B. name of the job site;
- C. sludge generator or business;
- D. description of material collected;
- E. estimated amount of material collected;
- F. signature of owner or operator of business or site where material was obtained, when possible;
- G. time arrived at private disposal site; and
- H. amount of lime added to the tank.

SECTION 14. REVOCATION PROCEDURE.

- A. Authority. The Hernando County Code Enforcement Board shall have authority to revoke or suspend the permits authorized by this ordinance or issue letters of reprimand to permit holders or invoke any penalties herein.
- B. In the event of a violation, or imminent threat to the public health, the Health Department, in addition to any other remedies provided by law, may institute a suit for injunction to prevent or terminate such violation.

SECTION 15. PENALTY.

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Any violation of this Ordinance shall constitute a misdemeanor and shall be punishable as provided in Section 1-8 of the Hernando County Code.

SECTION 16. INCORPORATED DOCUMENTS.

All local, state and federal codes, manuals, statutes and regulations which are referred to in this Ordinance are adopted and incorporated in this Ordinance. All amendments, revisions, changes or additions to these incorporated documents will also be in effect.

SECTION 17. SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, or administrative agency such portion shall be deemed a separate, distinct and independent provision, and except as otherwise expressly provided herein, such holding shall not affect the validity of the remaining portions thereof, all of which will remain in full force and effect, except as otherwise provided for herein.

SECTION 18. PRE-EMPTION

If any state or federal law, rule ordinance or regulation, whether now in effect or hereafter enacted pre-empts any part of this Ordinance, then that provision to the extent so pre-empted, shall cease to be enforceable by the County or other interested party for the time that the pre-empting law, rule, ordinance, or regulation is in existence. If the pre-empting law, rule or regulation is hereinafter repealed by the enacting authority, then the appropriate provisions of this Ordinance are material, then the Board shall have the right to modify the remaining provisions of the Ordinance to comply with the law and mitigate the effect of the pre-emption.

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SECTION 19. EFFECTIVE DATE

This Ordinance shall become effective upon receipt of official acknowledgement from the Secretary of State that said Ordinance has been filed.

ADOPTED in Regular Session this 24 day of October, 1989, A.D.

(SEAL)

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA.

ATTEST: Karen Nicolai
KAREN NICOLAI
Clerk

By: Richard C. Killingsworth
RICHARD C. KILLINGSWORTH
Chairman

APPROVED AS TO LEGAL FORM AND CONTENT
OFFICE OF THE COUNTY ATTORNEY:

Robert B. Battista
ROBERT B. BATTISTA
Assistant County Attorney

